(4) of 2004

IN THE HIGH COURT OF CHHATTISGARH JUDICATURE AT BILASPUR

Writ Petition No. 741 /2004

PETITIONER : R.B.MISHRA
Son of Shri Ram Kishor Mishra,
Chief Executive Officer,
Janpad Panchayat Pratappur,
District Surguja, Ambikapur
Chhattisgarh.

P.R. No. 13/04 Presented by Shri Shyamal Pandey dated 05.03.04

Versus

RESPONDENTS : (1) STATE OF CHHATTISGARH,
through Secretary,
Tribal Welfare Department,
Mantralaya, D.K.S.Bhawan,
Raipur, Chhattisgarh.

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(2) COLLECTOR,
District Surguja, Ambikapur,
Chhattisgarh.

WRIT PETITION UNDER ARTICLE 226/227 OF CONSTITUTION OF INDIA:

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(21)

आदेश पत्रक

मामला क्रमांक W.P. No. 741 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

14.06.2004

Shri Ramakant Mishra, Counsel for the petitioner.

Shri Yashwant Singh, G.A. for the State.

Heard finally with the consent.

It is submitted that the petitioner is to retire on 31st July, 2004 but he has been transferred from Janapad Panchayat, Pratappur to Ambikapur. It is further submitted that as per the policy of the State, the transfer is not permissible at the fag end unless some exceptional reasons are there.

Normally, Courts do not interfere in the transfer matters unless it is malafide or against the settled policy. The instant case is however such where he is to retire within 45 days from today and nothing has been pointed out to show that his continuance is prejudicial to the interest of State in any manner.

Having considered the facts and circumstances and the period which now remains for retirement is one and half months, in the ends of justice, the transfer order is set aside and the petitioner is allowed.

The petition is therefore allowed to the extent indicated above. Consequently, M.W.P.No.658/2004 for stay stands disposed of.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Anjani

[पीछे देखिये